

## **Remarks**

### **Objection to Claims 6, 24 and 33**

Pursuant to Examiner's request, Applicant has cancelled Claim 33 as it was a substantial duplicate of Claim 6. Therefore, Examiner's objections to Claims 6 and 33 are now moot.

Additionally, Applicant respectfully submits that Examiner's objection to Claim 24 is obviated by an amendment to Claim 24, wherein it was made dependent upon Claim 1. As amended Claim 24 further limits the subject matter of Claim 1, removal of the objection to Claim 24 is appropriate and courteously requested.

### **Rejection of Claims 1-2, 4-6, 10, 11, 14, 16-18, 25-28, 31, 33 and 39-40 Under 35 U.S.C. § 102(b)**

Claims 1-2, 4-6, 10, 11, 14, 16-18, 25-28, 31, 33 and 39-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,563,113 (*Amann et al.*). Applicant respectfully traverses this rejection and request reconsideration for the following reasons.

Examiner has indicated that Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 3 depends from Claim 1 without any intervening claims. Claim 1 has been amended to include all of the limitation of dependent Claim 3. In view of Examiner's comments regarding allowable subject matter, Applicant courteously submits that the amendment to Claim 1, thereby including all of the subject matter of Claims 1 and 3, places Claim 1 in condition for allowance. Additionally, as Claims 2-40 dependent from Claim 1, *i.e.*, an allowable claim, they are also in condition for allowance.

Therefore, Applicant courteously asserts that as Claim 1 and all claims dependent therefrom, *i.e.*, Claims 2-40, are allowable, it generally follows that Claim 1 and all claims dependant therefrom are not anticipated by *Amann et al.*.

In view of the foregoing remarks, reconsideration and withdrawal of the rejections of Claims 1-2, 4-6, 10, 11, 14, 16-18, 25-28, 31, 33 and 39-40 as being anticipated by *Amann et al.* are courteously requested.

Rejection of Claim 12 Under 35 U.S.C. § 103(a)

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Amann et al.* in view of United States Patent No. 6,104,945 (*Modell et al.*). Applicant respectfully traverses this rejection and requests reconsideration for the following reasons.

In view of the abovementioned reasons regarding *Amann et al.*, this ground of rejection cannot stand because amended Claim 1 is in condition for allowance. As Claim 1 is in condition for allowance, it follows that Claim 1 is patentable over *Amann et al.* in view of *Modell et al.*. Thus, as Claim 12 is dependent on Claim 1 through Claim 4, and Claim 1 is patentable over *Amann et al.* in view of *Modell et al.*, it generally follows that Claim 12 is also patentable over *Amann et al.* in view of *Modell et al.*, due its dependency from Claim 1.

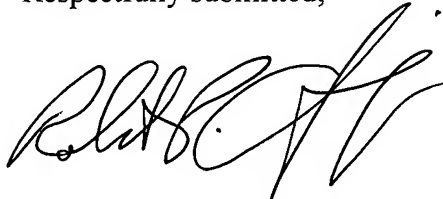
Hence, Applicant courteously requests reconsideration and withdrawal of the rejection of Claim 12 as being unpatentable over *Amann et al.* in view of *Modell et al.*.

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**Conclusion**

For all the reasons outlined above, Applicant respectfully submits that the claims are patentable over the cited references and in condition for allowance, which action is courteously requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. P. Simpson', with a stylized flourish at the end.

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